



DOCKET NO: C1039.70048US00

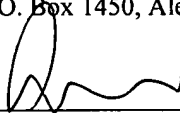
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.
Serial No: 09/818,918
Confirmation No: 4953
Filed: March 27, 2001
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES

Examiner: Jane J. Zara
Art Unit: 1635

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 20th day of August, 2004.


Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

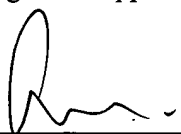
Transmitted herewith are the following documents:

- ☒ Supplemental Statement Filed Pursuant to the Duty of Disclosure Under 37 CFR §§1.56, 1.97 and 1.98
- ☒ PTO-1449 Form and references
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

No check is enclosed. If a fee is required, please charge to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Krieg et al., *Applicant*

By: 
Alan W. Steele, M.D., Ph.D., Reg. No. 45,128
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 646-8000

Docket No. C1039.70048US00
Date: August 20, 2004
XNDDX



1635
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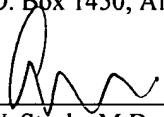
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. § 1.97

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending application (copy enclosed) that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor</u>
09/265,191	03-10-1999	Carson et al.

The following are remarks concerning the other information cited:

Comments Regarding Pending Interference No. 105,171

Applicants of the above-identified patent application are also named inventors on an issued patent US Patent No. 6,207,646 B1 which is currently involved in an Interference (Interference No. 105,171). The above-identified patent application derives priority from US 6,207,646 B1. In view of the priority Applicants have included on the attached 1449 a listing of all of the motions filed in the Interference to date. Copies are enclosed for the Examiner's review. If the Examiner would like any additional information on this subject, she is encouraged to contact Applicants' representative at the number listed below.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

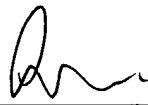
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. § 102.

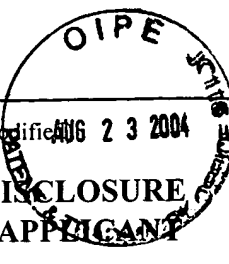
Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Krieg et al., *Applicant*

By: 
Alan W. Steele, M.D., Ph.D., Reg. No. 45,128
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 646-8000

Docket No. C1039.70048US00
Date: August 20, 2004
XNDDX



FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 09/818,918	ATTY. DOCKET NO.: C1039.70048US00
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		FILING DATE: March 27, 2001	CONFIRMATION NO.: 4953
		APPLICANT: Krieg et al.	
		GROUP ART UNIT: 1635	EXAMINER: Jane J. Zara
Sheet	1	of	2

U.S. PATENT DOCUMENTS

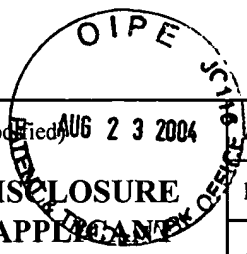
Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
	C1	Patent Interference No. 105,171. Miscellaneous Motion 1 (Unopposed Additional Request for Copies of File Histories). April 15, 2004.		
	C2	Patent Interference No. 105,171. Miscellaneous Motion 2 (Unopposed Request for Addition to Iowa's File History). April 15, 2004.		
	C3	Patent Interference No. 105,171. Iowa Preliminary Motion 3 (for Judgment Based on Failure to Comply with 35 U.S.C. 135(b)) (Electronically filed, unsigned). June 7, 2004.		
	C4	Patent Interference No. 105,171. Iowa Preliminary Motion 4 (For Judgment of No Interference in Fact) (Electronically filed, unsigned). June 7, 2004.		
	C5	Patent Interference No. 105,171. Iowa Preliminary Motion 5 (For Judgment Based on Lack of Enablement) (Electronically filed, unsigned). June 7, 2004.		
	C6	Patent Interference No. 105,171. Iowa Preliminary Motion 6 (For Judgment Based Lack of an Adequate Written Description) (Electronically filed, unsigned). June 7, 2004.		
	C7	Patent Interference No. 105,171. Iowa Preliminary Motion 7 (Motion to Redefine the Interference to Designate Claims as Not Corresponding to the Count) (Electronically filed, unsigned). June 7, 2004.		
	C8	Patent Interference No. 105,171. Iowa Preliminary Motion 8 (Contingent Motion to Redefine Count) (Electronically filed, unsigned). June 7, 2004.		
	C9	Patent Interference No. 105,171. Iowa Preliminary Motion 9 (Motion for Benefit of Earlier Application) (Electronically filed, unsigned). June 7, 2004.		
	C10	Patent Interference No. 105,171. Iowa Preliminary Motion 10 (Contingent Motion to Redefine the Interference By Adding A Continuation Application) (Electronically filed, unsigned). July 2, 2004.		
	C11	Patent Interference No. 105,171. Regents of the University of California Preliminary Statement. June 7, 2004.		
	C12	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 1 (To Designate Additional Claims of the Iowa Patent as Corresponding to the Count). June 7, 2004.		
	C13	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 2 (For Judgment Based on Lack of Written Description Support and Introducing New Matter). June 7, 2004.		
	C14	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 4 (For Judgment Based on Obviousness). June 7, 2004.		



FORM PTO-1449/A and B (Modified)

APPLICATION NO.: 09/818,918

ATTY. DOCKET NO.: C1039.70048US00

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

FILING DATE: March 27, 2001

CONFIRMATION NO.: 4953

APPLICANT: Krieg et al.

GROUP ART UNIT: 1635

EXAMINER: Jane J. Zara

Sheet 2 of 2

	C14	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 5 (For Judgement Based on Anticipation). June 7, 2004.		
	C16	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 6 (For Judgment Based on Inequitable Conduct). June 7, 2004.		
	C17	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 7 (For Benefit of an Earlier Application under 37 CFR 1.633(j)). July 2, 2004.		
	C18	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 8 (To Add Additional Claims Under 37 CFR 1.633(c)(2) and (i)). July 2, 2004.		
	C19	Amended Claims for Application Number 09/265,191, filed March 10, 1999.		

EXAMINER

DATE CONSIDERED

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]